



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 2114**
Udo NOBEL et al. : Docket No. 98-0543A
Serial No. 09/068,238 : Group Art Unit 3612
Filed March 26, 1999 : Examiner Patricia L. Engle

WINDOW WITH GLAZING PROFILE

ELECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975

Sir:

In response to the Office Action of March 8, 2005, Applicants in the above-referenced U.S. patent application hereby elect group I and species B with traverse.

By electing group 1, Applicants elect claims 28-43, drawn to a window for a vehicle. Traverse is based upon the fact that group 3 should also be included.

More specifically, claims 49-52 are drawn to a method of glazing a window in a vehicle which claims all require the glazing to be inserted in the aperture from the outside of the vehicle body and centered relative to the aperture using a raised portion of the glazing profile that is shaped and positioned to bear against the inner edge of the mounting flange. Claims 28-43 also all contain these features. Thus, these features are "special technical features" within the meaning of PCT Rule 13.2 concerning unity of invention. Thus, the claims of groups 1 and 3 relate to a single inventive concept. Accordingly, it is respectfully submitted that all of claims 28-43 and 49-52 of groups 1 and 3 should be examined together.

In addition, it is noted that in paragraph 2 on page 2 of the Office Action, regarding the method and group 1, the Examiner cited Ohlenforst et al. as disclosing a window with a glazing

profile, and alleging that claim 1 does not have an inventive concept. This position by the Examiner is respectfully traversed as being incorrect.

Ohlenforst relates to a window that is inserted into the aperture from the inside of the vehicle body. Note column 1, lines 31-40, and especially lines 36-38. Both claims 28 and 49, however, reflect in part the special technical aspect of the glazing being mounted from the outside of the vehicle body.

Indeed, Ohlenforst represents a departure from normal practice. While certain advantages may have been expected from Ohlenforst originally, it in fact has not been taken up by the automotive industry, and is now seen as disadvantageous practice. The principle disadvantage is that installing a window from the inside of the vehicle makes it impossible to glaze the window flush with the external body work, as has been more lately required for reasons of aerodynamics and fuel efficiency. Looking at the drawings of Ohlenforst, for example Figure 1, it becomes clear that profile strand 4 is on the outward face 2 of the glass 1. The strand engages the mounting flange 8 of the vehicle body. There is necessarily a height differential between the strand and the glass. Consequently, either the strand, and possibly part of the mounting flange, protrudes from the body work, where the glass is recessed relative to the body work. In either case, flush glazing is not possible.

An additional disadvantage of Ohlenforst is that, for reasons of manufacturing efficiency, modern automotive factories employ robots for vehicle assembly, including the installation of glazings. Robots are bulky and require space in order to deploy the operating arms. It would be impractical to use a robot to install glazing from the inside of the vehicle, as an operating arm would have to bring the glazing into the vehicle interior through a large aperture, and move in such a way as to insert it at the correct angle into the aperture to be glazed, all without the arm damaging the body work. This would require an exceptionally dexterous and expensive arm, with sophisticated programing, and any operating errors could severely damage the vehicle body shell.

For these reasons, Ohlenforst, representing something of an evolutionary dead end in the development of vehicle glazing technology, does not anticipate claim 1 and does not deprive it of

patentability. As such, it is respectfully submitted that it should not be used as a basis to support the restriction requirement as outlined on page 2 of the Office Action.

Applicants further elect species B, a glazing profile with a lip corresponding to claims 33 and 34 in accordance with the indication of the Examiner. However, claims 35-37 are also directed to aspects of the profile comprising a lip. Further, claims 41 and 42 also directed to the raised portion of the profile being in the form of a curled lip. Accordingly, these claims should also be included for examination along with the claims as identified by the Examiner as belonging to species B.

Accordingly, in view of the above, it is respectfully submitted that all of claims 28-43 and 49-52 should be included for examination at this point.

Respectfully submitted,

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